

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ENTREPRENEUR MEDIA, INC.,

Plaintiff,

v.

Civil Action 2:21-cv-5868
Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura

RETAIL SERVICE SYSTEMS, INC.,
et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff's original Complaint (ECF No. 1), First Amended Complaint (ECF No. 17), and Second Amended Complaint (ECF No. 28) each assert claims against, *inter alia*, defendants identified as "Does 1–10." To date, the docket does not reflect that Plaintiff has moved to amend the Complaint to substitute the real name of Does 1–10; nor does it reflect that Plaintiff has effected service upon them as required by Federal Rule of Civil Procedure 4(m). Accordingly, on January 4, 2022, this Court issued an order directing Plaintiff to show cause why the Court should not dismiss the Doe defendants and why the Court should allow an extension of time to effect service. (ECF No. 50.)

To date, Plaintiff has not responded to the Show Cause Order, sought leave to amend the Complaint to substitute the real names of the Does, or effected service on the Doe defendants. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against Does 1–10 pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE